

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
v.)
CRIMINAL NO.: 04-10
MARK F. MARCHESE,) Count 1: 18 U.S.C. § 2113(d)
Defendant.) Armed Bank Robbery
) Count 2: 18 U.S.C. § 922(g)(1)
) Felon in Possession
) of a Firearm
) Count 3: 18 U.S.C. § 924(c)
) Use of a Firearm During
) Crime of Violence

INDICTMENT

COUNT ONE: 18 U.S.C. § 2113(d) – Armed Bank Robbery

The Grand Jury charges that:

On or about August 19, 2004, at Malden, in the District of Massachusetts,

MARK F. MARCHESE,

the defendant herein, did, by force and violence and by intimidation, take from the person and presence of employees of the Citizen's Bank, money in the amount of \$26,664.68, more or less, belonging to and in the care, custody, control, management and possession of the said Citizen's Bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation; and in committing the aforesaid offense, the defendant herein did assault and put in jeopardy the lives of other persons by the use of a dangerous weapon, namely, a firearm.

All in violation of Title 18, United States Code, Section 2113(d).

COUNT TWO: 18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm

The Grand Jury further charges that:

On or about August 19, 2004, at Malden, in the District of Massachusetts,

MARK F. MARCHESE,

the defendant herein, having previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting commerce, a firearm, to wit: one 7.62 x 39 mm Norinco assault-style rifle, Model SKS, bearing serial number 9211689.

All in violation of Title 18, United States Code, Section 922(g)(1).

COUNT THREE: 18 U.S.C. § 924(c) – Use of a Firearm During Crime of Violence

The Grand Jury further charges that:

On or about August 19, 2004, at Malden, in the District of Massachusetts,

MARK F. MARCHESE,

the defendant herein, did knowingly use, carry and brandish a firearm, to wit, an assault rifle, during and in relation to the crime of violence charged in Count One of this Indictment, to wit: armed bank robbery, in violation of Title 18, United States Code, Section 2113(d).

All in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii).

NOTICE OF ADDITIONAL FACTORS

The Grand Jury further finds that the Defendant possessed the firearm described in Counts One, Two and Three of this Indictment in connection with a crime of violence, to wit, an offense under state law punishable by imprisonment for a term exceeding one year and which offense involved the use, attempted use, or threatened use of physical force against the person of another.

Therefore, United States Sentencing Guidelines Sections 2K2.1(b)(5) and 4B1.4(b)(3)(A) are applicable.

The Grand Jury further finds and alleges the following additional facts:

1. The armed robbery that is the subject of Count One involved the taking of the property of a financial institution. Thus, U.S.S.G. § 2B3.1(b)(1) is applicable.
2. The armed robbery that is the subject of Count One involved the brandishment and possession of a firearm. Thus, U.S.S.G. § 2B3.1(b)(2) is applicable.
3. The armed robbery that is the subject of Count One involved a loss of between \$10,000 and \$50,000. Thus, U.S.S.G. § 2B3.1(b)(7)(B) is applicable.
4. At the time of the defendant's commission of the armed robbery that is the subject of Count One, the defendant was 34 years old and had at least two prior felony convictions of either a crime of violence or controlled substance offense. Thus, U.S.S.G. § 4B1.1 is applicable.
5. The offense that is the subject of Count Two involved the defendant's use and possession of a firearm and ammunition in connection with another felony offense, to wit: the armed robbery alleged in Count One. Thus, U.S.S.G. § 2K2.1(b)(5) and U.S.S.G. § 4B1.4(b)(3)(A) are applicable.

A TRUE BILL:



FOREMAN OF THE GRAND JURY


PAUL R. MOORE
ASSISTANT U.S. ATTORNEY

DISTRICT OF MASSACHUSETTS ; September 22, 2004, at _____.

Returned into the District Court by the Grand Jurors and filed.



DEPUTY CLERK

9/22/04 C 2:15pm

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: Category No. II Investigating Agency FBICity Malden**Related Case Information:**County Middlesex

Superseding Ind./ Inf. _____ Case No. _____

Same Defendant X New Defendant _____Magistrate Judge Case Number MJ - 04-36-LPC

Search Warrant Case Number _____

R 20/R 40 from District of _____

Defendant Information:Defendant Name MARK F. MARCHESE Juvenile Yes NoAlias Name unknownAddress 219 Russell Street, Everett, MABirth date: 1970 SS#: 4347 Sex: M Race: Caucasian Nationality: USADefense Counsel if known: Ed Hayden Address: _____

Bar Number: _____

U.S. Attorney Information:AUSA Paul R. Moore Bar Number if applicable 632312Interpreter: Yes No List language and/or dialect: _____Matter to be SEALED: Yes No Warrant Requested Regular Process In Custody**Location Status:**Arrest Date: August 25, 2004 Already in Federal Custody as d detainee in Plymouth Co. House / Corrections. Already in State Custody _____ Serving Sentence Awaiting Trial On Pretrial Release: Ordered by _____ on _____Charging Document: Complaint Information IndictmentTotal # of Counts: Petty _____ Misdemeanor _____ Felony 3

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 I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: September 22, 2004

Signature of AUSA: P.R. Moore

District Court Case Number (To be filled in by deputy) _____

Name of Defendant MARK F. MARCHESE

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	18 U.S.C. § 2113(d)	Armed Bank Robbery	1
Set 2	18 U.S.C. § 922(g)(1)	Felon in Possession of Firearm [REDACTED]	2
Set 3	18 U.S.C. § 924(c)	Use of a Firearm During a Crime of Violence	3
Set 4			
Set 5			
Set 6			
Set 7			
Set 8			
Set 9			
Set 10			
Set 11			
Set 12			
Set 13			
Set 14			
Set 15			

District Court Case Number (To be filled in by deputy) _____

Name of Defendant MARK F. MARCHESE _____

ADDITIONAL INFORMATION: _____

